

CIVIL RIGHTS TRAINING

All Topics for Sites

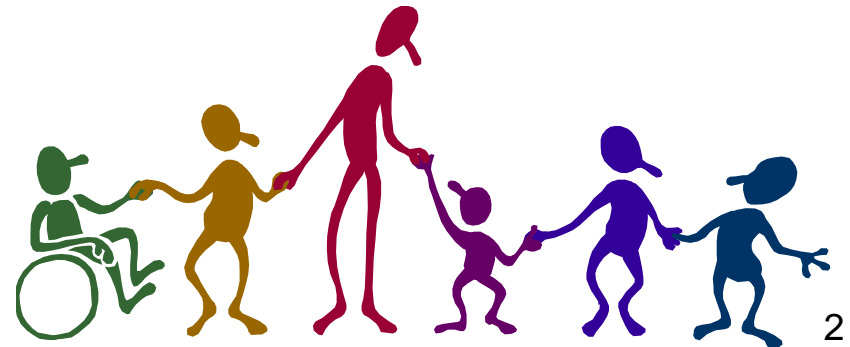


south dakota
DEPARTMENT OF EDUCATION

Learning. Leadership. Service.

GOALS OF CIVIL RIGHTS

- Equal treatment for all eligible participants
- Knowledge of rights and responsibilities
- To notify participants and families that SFSP is a non-discriminatory federal program
- To ensure staff know and comply with Civil Rights requirements and procedures



WHAT IS A PROTECTED CLASS?

Any person or group of people who have characteristics for which discrimination is prohibited based on a law, regulation, or executive order.



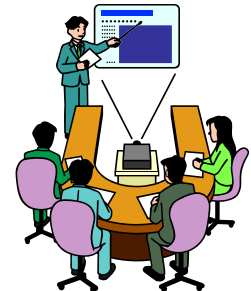
Policy

- USDA Protected Classes for Child Nutrition Programs
 - Race
 - Color
 - National Origin
 - Age
 - Sex
 - Disability



TRAINING

- Local agencies are responsible for annual training.
- First line workers (including volunteers) and all levels of supervisors must receive required training.
- Training can be done in many ways.
- **You are required to document your training efforts.**



Subrecipient Pre-award

- Prior to signing an agreement with a sub recipient, a pre-award review must be conducted.
- These reviews are conducted by the State Agency and are done as part of the SFSP Preapproval visit. This information required is provided in the pink handout of New SFSP Administrative Workshop. Required prior operating any Child Nutrition Program.
- No Federal funds shall be made available to an entity until a Pre-Award Compliance Review has been conducted and the applicant has been determined to be in compliance with requirements.



Required Training Documentation

- Name of the training Instructor
- Date training was given
- Topics covered in the training
- Names of all the people being trained
 - Use simple sign-in sheets which all participants sign at the end of the training session
 - Add this to the SFSP Training documentation for each sponsor required prior start of the summer program.
- Keep your sign-in sheets in your files along with a copy of the training.



CIVIL RIGHTS REQUIRED TRAINING TOPICS

- Collection and use of data;
- Effective public notification systems;
- Complaint procedures;
- Compliance review techniques;
- Resolution of noncompliance;
- Reasonable accommodation of people with disabilities;
- Language assistance;
- Conflict resolution; and
- Customer service



What is Federal Financial Assistance?

Federal financial assistance is anything of value received from the Federal government such as:

- Meal reimbursements, cash grants, and loans
- USDA food/commodities
- Training
- Property donations,
- Permission to use Federal property
- similar items and services



CIVIL RIGHTS LAWS

- Title VI – Civil Rights Act of 1964 states *No person in the United States shall be discriminated against on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity.*
 - Example: Race/color: Treating or speaking to a child differently (using slang for example) or in a friendlier manner because of race or color.

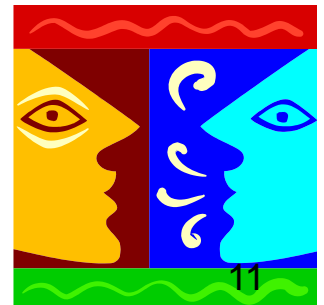


Language

Local agencies/schools have a responsibility to make sure people with limited English proficiency (LEP), individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English need to be served in other languages.

Additional resources available at:

http://www.fns.usda.gov/cr/LEP_entry.htm



Language



Provide information in other language when:

- High number of persons are in your eligible population with limited English proficiency (LEP)
 - Use appropriate signage for those with LEP
 - Accessibility of a translator
 - Availability of materials in various languages
- The person has contact with program often
- The importance of program – food qualifies it

SHORTAGE OF MONEY DOES NOT ELIMINATE REQUIREMENT!!!

Language

- Children who are minors should not be used as interpreters.
- Volunteers may be used, but make sure they understand confidentiality!
- See www.lep.gov for more information



CIVIL RIGHTS LAWS

- The Age Discrimination Act of 1975 provides: *No person in the United States, shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.*



CIVIL RIGHTS LAWS

- Title IX of the Education Amendments of 1972 states: *No person in the United States shall, on the basis sex (gender), be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.*
 - Example: The same size portion should be offered to each child regardless of gender.



CIVIL RIGHTS LAWS

- Section 504 of the Rehabilitation Act of 1973 added disability to Title VI.
- Title II and Title III of the Americans with Disabilities Act of 1990 extended the requirements to all services, programs and activities of State and local governments and prohibits discrimination based on disability in other public services.

Civil Rights:

Reasonable Accommodation

- Meal modifications
 - Required to make substitutions to the meal pattern for participants with disabilities
 - Documentation required by a licensed medical authority
 - See South Dakota Special Diet Numbered Memo <http://doe.sd.gov/cans/documents/SpecialDiet.pdf>
 - Encouraged for participants with food intolerances or religious practices
- Prohibition of Separation by Gender



Reasonable Accommodations



- Take reasonable steps to ensure access
 - Make sure people with disabilities can get into your agency from the parking lot, entrances, hall, elevators, rest rooms, and allows service animals



– Arrange ways for people to get services
Example: You come up to main floor if your program is in the basement and you don't have an elevator.

- Fed Relay www.gsa.gov/fedrelay
Telecommunications services to allow individuals who are deaf, hard of hearing, and/or have speech disabilities.



2004 “Equal Opportunity for Religious Organizations”

Laws protect Faith-Based Organizations

- Church and community organizations are treated the same
- Prohibits discrimination against an organization on the basis of religion, religious belief or character in the distribution of funds
- Any faith organization can use space in their building without removing religious art, icons, scriptures or other religious symbols

Law Protects People

- No organization that receives direct assistance from the USDA can discriminate against a participant or potential participant on the basis of religion or religious belief.
- Faith-based organizations can do their mission, as long as USDA funds (or activities) do not support worship, religious instruction or pressuring people to take their beliefs.

ASSURANCES



- State agencies must obtain assurance from each sponsor or local agency and are part of the iCAN SFSP application. FNS will obtain a written assurance from each State agency.
- Vendor agreements and any other contracts must also include an assurance of nondiscrimination.

Contract with Food Service Management Companies (FSMC) to provide food service to students. Thus, the sponsor or responsible individual would be charged with ensuring that their FSMC is in compliance with Civil Rights requirements.

- This assurance is binding on the program applicant and its successors, transferees, and assignees, as long as they receive assistance or retain possession of any assistance from USDA.

Collection and Use of Data



- Required for SFSP
- In general, any data collected about beneficiaries should be kept secure and confidential.
- Used to determine if more people could be reached in your community.
- Identify who needs to be reached yet.
 - “...State agencies, local agencies, and other sub recipients are required to obtain data by race and ethnic category on potentially-eligible populations, applicants, and participants in their program service area...Systems for collecting actual racial and ethnic data must be established and maintained for all programs.”

Civil Rights:

Data Collection & Maintenance

- Parents/guardians may be asked to provide this information as long as it is clearly stated:
 - It is strictly for statistical reporting requirements
 - Has no effect on determination of eligibility
- Self-identification or self-reporting is the preferred method of obtaining data
- Visual observations shall be used when the applicant does not self-identify like in 'Open' sites

Race and Ethnic Categories - Two Question Format

1. Ethnicity: to be asked first
 - *Hispanic or Latino*
 - *Not Hispanic or Latino*
2. Race: (one or more of the following)
 - *American Indian or Alaskan Native*
 - *Asian*
 - *Black or African American*
 - *Native Hawaiian or Other Pacific Islander*
 - *White*
- *MUST be completed at least one time for each feeding location or site each summer*

Ethnic and Racial Data Form

ETHNIC AND RACIAL DATA FORM**	
Sponsor: _____	
Site: _____	
Address: _____	
Site supervisor: _____	
Ethnic Categories	Number of Participating Children
Hispanic or Latino. A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term "Spanish origin" can be used in addition to "Hispanic or Latino."	
Non-Hispanic or Latino	
Racial Categories	
American Indian or Alaska Native. A person having origins in any of the original peoples of North and South America, (including Central America), and who maintains tribal affiliation or community recognition.	
Asian. A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.	
Black or African American. A person having origins in any of the black racial groups of Africa. Terms such as "Haitian" or "Negro" can be used in addition to "Black or African American."	
Native Hawaiian or Other Pacific Islander. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.	
White. A person having origins in any of the original peoples of Europe, the Middle East or North Africa.	
Monitor's Signature _____	Date _____

Locate form in most current SFSP Sponsor Monitor's Guide

<https://www.fns.usda.gov/sfsp/handbooks>

** Note: Based on OMB Notice, Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity, published 10/30/97 and in FNS Instruction 113-1, Civil Rights Compliance and Enforcement Nutrition Programs and Activities, published November 8, 2005. See Back for Instructions

Civil Rights: Public Notification



- Notify the public of program availability
- Policy of Non-discrimination and rights/responsibilities
- Procedure for filing complaints
- Use nondiscrimination statement
- Contact organizations that serve minority populations
- Supply a media release to local media & upload copy with application packet
- All informational materials must include the following nondiscrimination statement:

Federal Civil Rights Statement

USDA Nondiscrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.

This institution is an equal opportunity provider.

Civil Rights: Short Nondiscrimination Statement

- If the material is too small to permit the full statement to be included, the material will at a minimum include:
 - “This institution is an equal opportunity provider”
 - Also allowed for Internet, radio and TV public service announcements
 - Print size for either statement shall be no smaller than the text in the material

Program Availability

- SFSP Media Release required in iCAN SFSP Checklist Item for each site must be sent out using multiple methods to local media outlets.
 - Include organizations that serve the target audience in the service area:
 - Surrounding schools
 - Youth recreation such as YMCA, Boys and Girls Clubs, City Recreation program
 - Religious organizations
 - Universities having youth programs
- Keep copies in SFSP records with date and who it was sent to.

PUBLIC NOTIFICATION



- Display the “And Justice for All” poster.
- Tell applicants, participants, potentially eligible persons, and grassroots organizations of program rights and responsibilities or changes in programs.
- Provide information in other formats for persons with disabilities.
- Convey the message of equal opportunity in all photos and other graphics that are used to provide program information



POSTERS



AND JUSTICE FOR ALL

In accordance with Federal law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, disability, and reprisal or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs.)

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible State or local Agency that administers the program or USDA's TARGET Center at (202) 720-2800 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information is available in languages other than English.

To file a complaint alleging discrimination, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.esee.usda.gov/complaint_filing_cust.html, or at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-6962. Submit your completed form or letter to USDA by:

mail:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410

fax:
(202) 690-7442; or

email:
program.intake@usda.gov.

This institution is an equal opportunity provider.

Conforme a las leyes federales y a los derechos civiles, reglamentos y políticas del Departamento de Agricultura de los Estados Unidos (U.S. Department of Agriculture, USDA), se prohíbe a esta institución discriminar por motivo de raza, color, nacionalidad, sexo, edad, discapacidad y represión o tomar represalias por actividades realizadas en el pasado relacionadas con los derechos civiles. (No todos los principios de prohibición se aplican a todos los programas).

Las personas discapacitadas que requieran medios alternos para que se les comunique la información de un programa (por ejemplo, braille, letra agrandada, grabación de audio, lenguaje de señas estadounidenses, etc.) deberán comunicarse con la agencia estatal o local responsable de administrar el programa o al TARGET Center del USDA al (202) 720-2800 (voz y TTY) o comunicarse con el USDA a través del Servicio Federal de Transmisión de Información al (800) 877-8339. La información del programa también está disponible en otros idiomas además del inglés.

Para presentar una queja por alegada discriminación, complete el formulario de quejas por discriminación del programa del USDA, AD-3027, que podrá encontrar en línea en http://www.esee.usda.gov/complaint_filing_cust.html o en cualquier oficina del USDA o escriba una carta dirigida al USDA que incluya toda la información solicitada en el formulario. Para solicitar una copia del formulario de presentación de quejas, comuníquese al (866) 632-6962. Envíe su formulario o carta completa al USDA por correo:

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410

fax:
(202) 690-7442; o

correo electrónico:
program.intake@usda.gov.

Esta institución ofrece igualdad de oportunidades.



Contact CANS at 773-3413
for additional posters.

Federal Relay Services
www.gsa.gov/fedrelay

“And Justice For All...” Poster

- All sites must display the poster in a prominent location for all to view.
- Display in all indoor or outdoor dining areas!

If mobile and don't visit the cafeteria, laminate and post on the vehicle or in area of meal distribution.

- Local reproduction is not authorized.

USDA provides copies of poster to

State agencies for distribution.

DO NOT display in kitchen, must be in area Children are eating in.



Definition of Disability

Food Service

- The Americans with Disabilities Act Amendments Act of 2008 (P.L. 110-325) impacts NSLP, SMP, SBP, CACFP and SFSP as it expanded the definition of “disability”.
- Major Life Activities now also include: “Major Bodily Functions”, such as “...function of the immune system, ...digestive, bowel, bladder functions and reproductive systems”
- Individuals who take mitigating measures to improve or control any of the conditions recognized as a disability, are still considered to have a disability and require an accommodation.

Food Services

- In providing food services to any of its students, a recipient may not discriminate on the basis of disability;
- Recipients (SFAs) shall serve alternative/special meals at no extra charge to students whose disability restricts their diet. Recipients should require students to provide a medical certification from a recognized medical authority that documents a special meal is required due to a dietary disability. (7 CFR 15b.26(d))

Current Memos

- **School Nutrition Programs**

- USDA memo [SP40-2017](#) issued July 25, 2017 and new [Guidance](#) issued same date.
- [SP 59-2016](#) *Modifications to Accommodate Disabilities in the School Meal Programs*
- [SP 26-2017](#) *Accommodating Disabilities in the School Meal Programs: Guidance and Questions and Answers*

- **Child & Adult Care & Summer Food Service**

- <https://fns-prod.azureedge.net/sites/default/files/cacfp/> USDA Policy Memo CACFP 14-2017, SFSP 10-2017
- Issued June 22, 2017
- Supersedes FNS Instruction 783-2, rescinded

South Dakota specifics

- See SD numbered memo “Special Diet Statements in Child Nutrition Programs (Revised)”
CACFP 240-1 / CACFPDCH 240-1 /
NSLP – 47.2 / SFSP 240-1
 - It is on CANS website at <http://www.doe.sd.gov/cans/>
under numbered memos
- In SD, the recognized medical authority is an MD (Medical Doctor) or DO (Doctor of Osteopathy).

PUBLIC NOTIFICATION

2. Complaint Information

Let applicants and participants at your site know their right

- to file a complaint
- how to file a complaint
- the complaint procedures

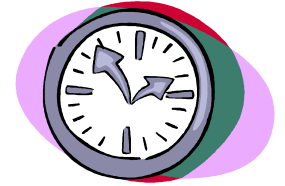


Complaints

- ✓ Bases complaints may be filed:
 - ✓ Race
 - ✓ Color
 - ✓ National origin
 - ✓ Age
 - ✓ Sex
 - ✓ Disability
- ✓ Never discourage anyone from filing complaints or from telling about situation of discrimination access form at http://www.ascr.usda.gov/complaint_filing_cust.html
- ✓ Know where to file a complaint - U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410; Fax (202) 690-7442 or Email: program.intake@usda.gov
- ✓ Send complaint letter to USDA and Child & Adult Nutrition Services office

What to do if a complaint is made:

- Immediately let the Child & Adult Nutrition Services office know, must be filed within 180 days
- May be written or verbal as well as anonymous
- Provide forms for written complaints
 - Written complaints will be accepted and forwarded upon receipt.
- Take detailed notes of complaints
 - If someone is complaining in a telephone conversation and refuses or is not putting it in writing, the staff person on the call will need to write up the details of the complaint. These complaints will be accepted and forwarded immediately upon receipt.



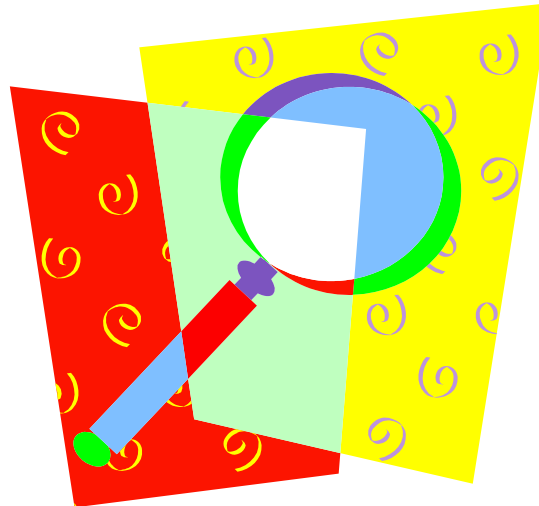
Complaints of Discrimination

- Make effort to obtain:
 - Name, address, and phone number of complainant
 - Location and name of sponsor delivering the service
- Nature of the incident or action
- Basis for the claim
 - Race
 - Age
 - Disability, etc.
- Date which the alleged actions occurred or duration of occurrences
- Contact information of individuals who may have knowledge of the action



COMPLIANCE REVIEWS

- Pre-award, post-award, and special
- Check for non-discrimination and ensure civil rights requirements are being followed



Civil Rights: Compliance Reviews



- Sponsors should review Civil Rights at the site visit (the required SFSP monitoring for each site).
- South Dakota Dept. of Education contracts the South Dakota Department of Public Safety Inspectors to do program reviews and they will review Civil Rights compliance during sponsor and site reviews
- Issues must be part of a documented corrective action

Some Examples of Civil Rights Noncompliance

- Denying an individual or household on the basis of a protected class
- Not displaying “And Justice for All Poster”
- Provided SFSP program services in a dissimilar manner on the basis of a protected class (except as a disability accommodation)
- Required Racial and Ethnic data collection not completed
- Missing Civil Rights training documentation
- Missing Nondiscrimination statement inclusion on program materials

RESOLUTION OF NONCOMPLIANCE

- CORRECTIVE ACTIONS:
 - Stop inappropriate actions
 - Start appropriate procedures, corrective action must be taken immediately to achieve voluntary compliance
 - If voluntary compliance is not achieved, the Regional Office will be involved
- FAILURE OR REFUSAL TO PUT CORRECTIVE ACTIONS IN PLACE CAN RESULT IN LOSS OF FEDERAL ASSISTANCE!



Special Compliance Reviews

- A Special Compliance Review may be conducted by the USDA Office of the Assistant Secretary for Civil Rights staff and/or FNS when there are significant Civil Rights concerns which have a direct impact on the delivery of FNS program services and/or benefits.
- Statistical data indicates that a particular minority group is not participating in or benefiting from the Program to an extent indicated by the population of potentially-eligible to participate in or benefit from the Program.
- Reports of noncompliance made by other agencies need to be substantiated.
- Patterns of complaints of discrimination have developed that require follow-up.

The Customer and Customer Service

- The term customer is described as anyone you work with.
- Anyone you work with outside your immediate organization or team is your external customer.
- Persons within your organization are internal customers.

SERVICE EXCELLENCE

How you can make a difference!



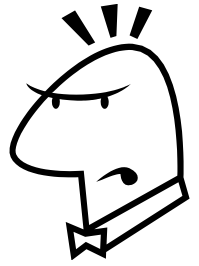
- Treat all people with dignity and respect
- Answer questions in a voice that is non-threatening
- Clearly tell everyone the rules and rights and responsibilities
- Find and use tools and techniques to improve customer service.
- Recognize when stress creates a problem in giving service excellence.

CONFLICT RESOLUTION

- Remain calm
- Explain the situation
- Get help, especially if threats or if violence is possible



Dealing with the Angry Customer



- **What is the problem?** Using information given you – determine what is wrong.
- **Determine a solution.** Know your organizations policy on handing situations and information needed to offer a solution.
- **Gain approval from the Customer.** Check with the customer for their approval on a solution.
- **Make an agreement.** You and the customer should determine what is to be done, when it is to be done, and by whom and alternatives if needed.
- **Follow up.** Personally make sure that the customer has been satisfied; and provide feedback.

Develop a Customer Service Checklist

Consider making a list of customer service techniques, attitudes and behaviors for staff working with participants and callers to your site for information and the Summer Food Service Program.

The checklist should be job related in order to provide good customer service and to improve customer satisfaction.

Civil Rights:

Review of Customer Service

- All participants must be treated in the same manner
 - All receive same menu components, same amounts
 - All are included in meals
 - All receive positive comments, as well as constructive education regarding meal time, nutrition, manners, etc.
 - Standards of behavior are not based on membership in a protected class
- Effective listening
- Using fair and open questions
- Validating concerns
- Empathize and educate

Civil Rights Training – Compliance

- Retain completed training in administrative records for 3 years past the current year
- Include a copy of training and instructor name in the records, along with the date.
- Complete Civil Rights training annually, recommend within orientation for SFSP required training. Documentation link for SFSP sponsor conducted training

<http://doe.sd.gov/cans/documents/SFSP-Training.pdf>

Training created by South Dakota Department of Education, Child and Adult Nutrition Services

RESOURCES

- <http://doe.sd.gov/cans/index.aspx>
- MPRO SP 01-2016 (DR) 4300-003 Equal Opportunity Public Notification Policy
- <http://www.fns.usda.gov/civil-rights>
- <https://www.fns.usda.gov/cr/limited-english-proficiency-lep>
- <http://www.ascr.usda.gov/>
- <https://www.ascr.usda.gov/filing-program-discrimination-complaint-usda-customer>
- <http://www.fns.usda.gov/cr/Documents/113-1.pdf>

Also based on presentation by the Civil Rights Division, USDA FSNS in June 2015 and November 2015 instruction/policies 53

Questions?

